

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DENISE MCKEOWN, ROBERT LUTTS,
Plaintiffs,

vs.

ADVEST, INC., KAREN SUGHRUE, et
al.,

Defendants

C.A. No. 05-10176-RGS

CONSOLIDATED WITH

T. ROWE PRICE TAX-FREE HIGH
YIELD FUND, INC., et al.,
Plaintiffs,

vs.

ADVEST, INC., KAREN SUGHRUE, et
al.,

Defendants

C.A. No. 04-11667-RGS

BRADFORD DEFENDANTS' MOTION TO DISMISS
COMPLAINT FILED BY DENISE McKEOWN AND ROBERT LUTTS

Pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6), the Bradford Defendants¹ move to dismiss the Complaint filed by plaintiffs Denise McKeown and Robert Lutts in Civil Action No. 05-10176-RGS (the “*McKeown* matter”), which matter was recently consolidated with a lawsuit previously filed by several bond funds and an insurance company against the Bradford Defendants and Advest, Inc. in Civil Action No. 04-11667-RGS (the “*T. Rowe Price* matter”).

The Bradford Defendants have already filed comprehensive Motions to Dismiss and supporting memoranda seeking dismissal of all federal and state claims asserted in the *T. Rowe Price* matter. Because the claims asserted by the *McKeown* plaintiffs against

¹ “Bradford Defendants” refers to all defendants in this action except Advest, Inc.

the Bradford Defendants are identical to the claims asserted against them by the *T. Rowe Price* plaintiffs (indeed, the Complaints are virtual carbon copies), the Bradford Defendants rely upon and incorporate by reference their Motions to Dismiss and supporting memoranda from the *T. Rowe Price* matter in seeking dismissal of the parallel claims asserted by the *McKeown* plaintiffs.²

WHEREFORE, the Bradford Defendants respectfully request that the Court dismiss all claims asserted against them in the Complaint filed by the *McKeown* plaintiffs, as well as all claims asserted against them in the Amended Complaint filed by the *T. Rowe Price* plaintiffs.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D) the Bradford Defendants state that oral argument may assist the Court in resolving this Motion, and therefore request oral argument.

THE BRADFORD DEFENDANTS
By their attorneys,

/s/ Scott A. Roberts
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Scott A. Roberts, BBO #550732
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Dated: April 19, 2005

² Specifically, the Bradford Defendants rely upon the Motion to Dismiss and supporting memorandum filed on January 20, 2005 (directed at federal law claims) and Motion to Dismiss the Amended Complaint and supporting memorandum filed on March 1, 2005 (directed at the state law claims) in Civil Action No. 04-11667-RGS.

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(a)(2), I, Scott A. Roberts, counsel for the Bradford Defendants, certify that I have conferred with the plaintiffs' counsel in good faith to resolve or narrow the issues presented by the Bradford Defendants' Motion to Dismiss.

/s/ Scott A. Roberts
Scott A. Roberts

CERTIFICATE OF SERVICE

I, Scott A. Roberts, hereby certify that, on this 19th day of April, a true and correct copy of the foregoing document was served by mail on:

Michael Tabb, Esq.
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William A. Sheridan, Esq.
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(w/ the motion papers described in footnote 2)

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/s/ Scott A. Roberts
Scott A. Roberts